

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BENJAMIN SALOFI ASaelI,

Petitioner,

v.

RONALD HAYNES,

Respondent.

CASE NO. C21-5876 MJP

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION

This matter comes before the Court on the Report and Recommendation of the Honorable S. Kate Vaughan (Dkt. No. 7) and Petitioner's Motion to Dismiss (Dkt. No. 21), which the Court construes as his response to the Report and Recommendation. Having reviewed the Report and Recommendation and Petitioner's Motion, the Court ADOPTS the Report and Recommendation and DISMISSES this action WITHOUT PREJUDICE.

As noted in the Report and Recommendation, the Court is without jurisdiction to consider the proposed successive habeas petition. (See Dkt. No. 7 at 1-2.) Petitioner does not dispute this conclusion. Instead, Petitioner asks the Court to dismiss the petition without prejudice so that he

1 can “exhaust his issues in State Court.” (See Dkt. No. 21-1 at 1.) Given that the Court lacks  
2 jurisdiction over this successive petition, it finds dismissal without prejudice to be appropriate  
3 without reaching the basis for dismissal Petitioner urges. As such, this Order does not reach the  
4 issue of whether Petitioner can or cannot exhaust any of the issues he identifies in this Motion.  
5 But Petitioner should be aware that the dismissal of his petition is nevertheless without prejudice.

6 The clerk is ordered to provide copies of this order to Petitioner and all counsel.

7 Dated August 11, 2022.

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9 Marsha J. Pechman  
10 United States Senior District Judge  
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